THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2481 of 1999

ORAL ORDER:

This writ petition is filed questioning the award passed in I.D.No.510 of 1992 dated 17.2.1997 on the file of the Labour Court-II, Hyderabad.

First respondent is the workman. According to him, his services were terminated without issuing any notice or notice of pay as required under Section 25-F of the Industrial Disputes Act, 1947. The plea of the petitioner-management before the Labour Court was that the workman had not completed 240 days of service. The Labour Court after going into the entire evidence place before it, held that the first respondent had worked for more than 240 days and the action of the management in not issuing proceedings either reposting or directing the workman to attend to duty or taking any action for his alleged absconding from duty, amounts to retrenchment attracting the provisions of 25-F of the I.D. Act. The surrender proceedings and consequent non-entrustment of any duties would entitle the workman to brand the same as termination. I am in full agreement with the findings recorded by the Labour Court. Once it is a case of termination without any notice or notice of pay, it amounts to violation of principles of natural justice apart from the provisions of Section 25-F of the I.D. Act. In fact, the Labour Court has taken a lenient view of the matter and directed only fresh appointment of the workman with continuity of service, but without any backwages. Under those circumstances, the writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 31.10.2007

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2481 of 1999

31.10.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.2481 of 1999

Date: 31st October, 2007

Between:

The District Collector,
Sanga Reddy, Medak district & others.

.. Petitioners

And

Srisailam & another.

.. Respondents